



## Governor Mike Dunleavy STATE OF ALASKA

### ADMINISTRATIVE ORDER NO. 325

I, Mike Dunleavy, Governor of the State of Alaska, under the authority of Article III, Sections 1, 16, and 24, of the Alaska Constitution, hereby order state agencies to take the actions set forth herein to protect the sovereign authority of the State of Alaska and guard the Constitutional rights of individual Alaskans from federal overreach.

#### BACKGROUND

Recent actions and statements by President Biden attempt to control the health and welfare of Alaskans; an area clearly within the sovereign authority of the State of Alaska under the Tenth Amendment of the United States Constitution. (“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”).

Neither the President nor the federal government may arbitrarily claim authority from Congress in order to violate the Tenth Amendment. If Congress has not passed clear and specific legislation authorizing action, the federal government cannot impose its will on States and their residents.

Similarly, the federal government cannot take actions that violate constitutionally-protected rights of individual Alaskans. This includes the right to freedom and liberty, the right to privacy, the right to free speech, the right to assemble, the right to be protected from unreasonable searches and seizures, and the right to the free exercise of religion. These constitutional rights preserve individual freedom and liberty from tyranny and federal control. Such rights are incredibly important to Alaskans.

Specifically, the Alaska Constitution and the United States Constitution guarantee the following rights:

- “[A]ll persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry.” Alaska Constitution, Article I, Section 1. This principle echoes the United States Declaration of Independence.

- “The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated.” Alaska Constitution, Article I, Section 14, *see* U.S. Constitution, Fourth Amendment.
- The “right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.” Alaska Constitution, Article I, Section 22. The right to privacy is not specifically mentioned in the U.S. Constitution, but the United States Supreme Court has recognized several constitutional amendments that create this right, to include the First, Fourth, Ninth, and Fourteenth Amendments.
- “Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.” Alaska Constitution, Article I, Section 5; *see* U.S. Constitution, First Amendment.
- “The right of the people peaceably to assemble, and to petition the government shall never be abridged.” Alaska Constitution, Article I, Section 6; *see* U.S. Constitution, First Amendment.
- “...no law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof...” Alaska Constitution, Article I, Section 4; *see* U.S. Constitution, First Amendment.

President Biden and his Administration have taken actions, or announced plans to act, that threaten the sovereign authority of the State of Alaska under the Tenth Amendment, exceed the scope of his authority, and jeopardize the constitutional rights of individual Alaskans, including:

1. Introducing a plan that would force banks and financial institutions to provide the Internal Revenue Service with personal information from private bank accounts when cumulative financial transactions of \$600 or more occur in a year. After Alaskans and other Americans expressed outrage, the Biden Administration indicated it may increase the financial threshold to \$10,000 or more in transactions per year. However, no clear decision has been communicated. This action poses a threat to the right to privacy.
2. Monitoring the banking activities of Alaskans and storing their financial information could violate existing protections for such records under the Federal Right to Financial Privacy Act. 12 U.S.C. 3401, et.seq. (“[n]o Government authority may have access to or obtain copies of, or the information contained in the financial records of any customer from a financial institution” unless certain exceptions and requirements are met).
3. Using Federal law enforcement personnel and resources to monitor, and potentially prosecute parents as potential domestic terrorists, for protesting issues at local school board meetings (like mask mandates, curriculum choices, and other issues).. *See* National School Board Association (NSBA) Letter to President Biden, dated September 29, 2021. NSBA recently admitted “there was no justification” for some of the language in its letter and apologized for its actions. *See* NSBA Memo, October 22, 2021. The Biden Administration has refused to change its policies or apologize to parents.

4. Directing the Occupational and Safety Health Administration to implement regulations requiring that private employers, and certain public employers, with over 100 employees mandate their employees to be fully vaccinated or to submit to regular COVID-19 testing. This policy cuts into an area of local concern under the Tenth Amendment and implicates violations of individual rights to privacy and the right to liberty.
5. Attempting to mandate that all federal contractors require their employees to be vaccinated without clear statutory authority.
6. Imposing vaccine mandates on military and National Guard members without adequate protections in place for individuals with religious objections.

### **ORDER**

Under the authority of Article III, Sections 1, 16, and 24 of the Constitution of the State of Alaska, I, Mike Dunleavy, Governor of the State of Alaska, order the following:

1. The Attorney General shall review any new federal law, regulation, or policy related to IRS monitoring of bank accounts owned by Alaskans and Alaskan businesses.
2. The Attorney General shall review any federal vaccine mandate issued by the Biden Administration and determine whether there are legal grounds to challenge such mandates in court.
3. To the extent allowable by law, no state agency shall participate in, or use state funds or personnel, to further a federal vaccine mandate for employers.
4. The Attorney General will review and oppose efforts by the Federal Government to monitor and negatively affect the ability of Alaskan parents to exercise their constitutional rights by participating in school board meetings.
5. To the extent allowable by law, no state agency shall participate with a federal agency, or spend state funds to participate in, or further any action by a federal agency that infringes on the constitutional rights of Alaskans. Nor may a state agency take actions that would unconstitutionally chill free speech or infringe upon other constitutional rights exercised by citizens against or in support of local school district policies. State agencies shall continue to enforce the criminal code of the State of Alaska.
6. If a federal agency proposes an action to a state agency that would require a state agency to act in a manner that may violate the Alaska or U.S. Constitution, the agency's commissioner shall immediately inform the Attorney General for the State of Alaska and seek legal advice as to how to proceed.

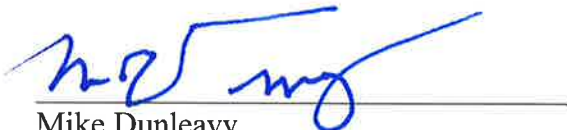
## **ADMINISTRATIVE AND LEGAL SUPPORT**

The Department of Law shall coordinate all investigations, legal reviews, and advise state agencies with regard to any action by a federal agency that may violate Alaska law, including the rights afforded Alaskans by the Alaska Constitution.

### **DURATION**

This order takes effect immediately and remains in effect until it is modified or rescinded.

Dated on this 2nd day of November, 2021.



---

Mike Dunleavy  
Governor